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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,201	08/30/2000	Hirohito Kondo	450100-02666	2236

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EXAMINER

THAI, CUONG T

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/651,201

Applicant(s)

KONDO ET AL.

Examiner

CUONG T THAI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7 and 8 is/are rejected.
- 7) ☒ Claim(s) 3,6 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

**DETAILED ACTION**

1. Claims 1-9 are presented for examination.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 4, and 7 recite the limitations of "predetermined object", "said display mean according to the rotation and push operation", "the plural number of menu items", "the setting condition with regard to said selected menu items", "said object to be operated", and "the display screen". There are insufficient antecedent basis for theses limitations in the claims.
4. Claims 2, 5, and 8 recite the limitation of "corresponding to said setting item". There are insufficient antecedent basis for theses limitations in the claims.
5. Claims 3, 6, and 9 recite the limitations of "corresponding to said setting item according to said rotation operation" and "the marker display". There are insufficient antecedent basis for theses limitations in the claims.

***Claim Objections***

6. Claim 1, line 6, is objected to because of the following informalities: spelling of "display mean". This "display mean" should be changed to "display means".

Appropriate correction is required.

7. Claims 1 (lines 4 and 11), 2 (line 3), 3 (line 3), 4 (lines 7, 10, and 12), 5 (line 3), 6 (line 3), 7 (lines 9, 12, and 14), 8 (line 2), and 9 (line 2) recite limitation of "selecting/adjusting", this "selecting/adjusting" should be changed to "selecting and adjusting".

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-2, 4-5, and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beaudet et al. (USPN: 5,559,945) as applied to claims above, and in view of Sudo (USPN: 5,856,827).

As per claims 1(device), 4 (method) and 7 (storage medium), Beaudet discloses an information device comprising:

A display for displaying the setting screen for the predetermined object to be operated on the display screen as the technique of a user interface mechanism for hierarchical menu selections. The user interface comprises a zoned menu control window that includes a first zone displaying indicators representing a plurality of selection levels in a menu hierarchy and a second zone having contents comprising a displayed list of selection options (see col. 2, lines 62-67) and where the default settings are also programmable, the expert user is provided with a means for implementing a customized fast path for preparing a query or entering all application by simply registering all selection levels in the menu hierarchy using the pre-programmed selection values to bypass the selection levels (see col. 7, lines 45-50);

A selecting/adjusting means for selecting any one of the plural number of menu items from said setting screen displayed on display screen is taught by Beaudet as the technique of in the control window 10 displays a vertical array of pushbutton indicators 22. Each pushbutton corresponds to and is representative of a separate selection level in the menu hierarchy (see col. 4, lines 10-13) and the contrast bar may be moved up and down the list 32 in the list box 30 by simply pressing the terminal cursor arrow key up or down to highlight each selection option until the desired option is located (see col. 4, lines 53-56).

Beaudet, however, does not disclose the limitation of selecting/adjusting means for selecting any one of the plural number of menu items from said setting screen displayed on display screen according to the rotation operation and push

operation and for adjusting the setting condition with regard to selected menu items according to the rotation operation and the push operation and a control for setting said object to be operated to said setting condition adjusted by selecting/adjusting means.

Sudo discloses the limitation of selecting any one of the plural number of menu items from said setting screen displayed on display screen according to the rotation operation and push operation and for adjusting the setting condition with regard to selected menu items according to the rotation operation and the push operation and a control for setting said object to be operated to said setting condition adjusted by selecting/adjusting means as the technique of the menu key 6G is used to switch the screen, displayed on the liquid crystal display 5, between the initial screen and the menu screen (see col. 4, lines 36-38), the jog dial 6J can be independently operated in the circumferential direction and the radial direction. As shown in Fig. 3, it comprises a disc-like member consisting of a rotary encoder which rotates around a rotation axis O in the circumferential direction (see col. 4 line 64 to col. 5 line 1), by rotating the jog dial 6J upwardly or downwardly in the first page displaying, the cursor can be moved upwardly or downwardly (see col. 6, lines 27-30) and when the menu key 6G is push in this state, the displayed can be switched to the menu screen for setting the various items (see col. 4, lines 39-42).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the rotation operation and push operation

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and for adjusting the setting condition with regard to selected menu items according to the rotation operation and the push operation introduced by Sudo into that of Beaudet's selecting/adjusting device. By doing so, the system would be enhanced by preventing operation control from being inadvertently pressed. Thus, the system providing more reliability tool to an end user.

As per claims 2 (device), 5 (method) and 8 (storage medium), Beaudet discloses the invention substantially as claimed above. Beaudet, however, does not disclose the limitation of selecting/adjusting means moves a slide bar provided corresponding to said setting item according to rotation operation and adjusts to the setting condition corresponding to the stop position of slide bar according to push operation.

Sudo discloses the limitation of selecting/adjusting means moves a slide bar provided corresponding to said setting item according to rotation operation and adjusts to the setting condition corresponding to the stop position of slide bar according to push operation as the technique of the jog dial 6J can be independently operated in the circumferential direction and the radial direction. As shown in Fig. 3, it comprises a disc-like member consisting of a rotary encoder which rotates around a rotation axis O in the circumferential direction (see col. 4 line 64 to col. 5 line 1), by rotating the jog dial 6J upwardly or downwardly in the first page displaying, the cursor can be moved upwardly or downwardly (see col. 6, lines 27-30) and the jog dial 6J is clicked after the user

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has operated the jog dial 6J and adjusted the cursor to the place of the desired group, the list of the functional desired items which belong to the selected group is displayed this time (see col. 9 line 67 to col. 10 line 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include selecting/adjusting means moves a slide bar provided corresponding to said setting item according to rotation operation and adjusts to the setting condition corresponding to the stop position of slide bar according to push operation introduced by Sudo into that of Beaudet's hierarchical menu invention. By doing so, the system would be enhanced by allowing user to use cursor to scroll up and down the list by means of rotation operation prior to activate click/push operation for operating the device.

***Allowable Subject Matter***

10. Claims 3,6, and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. The following is an examiner's statement of reasons for allowance:

Examiner careful consider claims 3 (device), 6 (method) and 9 (storage medium); none of the prior arts of record discloses nor suggests the limitation of selecting/adjusting means moves the marker display with regard to multiple marker



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columns provided corresponding to setting item according to rotation operation and adjusting to said setting condition corresponding to the stop position of said marker display according to push operation. Beaudet et al. (USPN: 5,559,945), Zellweger (USPN: 6,433,797), Sudo (USPN: 5,856,827), Kurtenbach (USPN: 5,926,178), Van Ee et al. (USPN: 6,208,341), Lane et al. (USPN: 5,704,051), and Schagen (USPN: 6,072,492) disclose a technique for displaying hierarchical menu on the display screen wherein user can manipulate and make selection based on user desired task. None of them, however, discloses nor teaches the limitation of selecting/adjusting means moves the marker display with regard to multiple marker columns provided corresponding to setting item according to rotation operation and adjusting to said setting condition corresponding to the stop position of said marker display according to push operation. Maeda (USPN: 5,666,477) discloses the type of marker or the presence of a marker (see col. 8, lines 23-24) in a menu preparation section; Maeda, however, does not disclose the limitation of selecting/adjusting means moves the marker display with regard to multiple marker columns provided corresponding to setting item according to rotation operation and adjusting to said setting condition corresponding to the stop position of said marker display according to push operation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Conclusion***

12. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required to consider these references fully when responding to this action. The documents cited therein teach a technique for displaying hierarchical menu on the display screen wherein user can manipulate and make selection based on user's desired task.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG T THAI whose telephone number is (703) 308-7234. The examiner can normally be reached on 8:00 am - 4:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached at (703) 308-3116.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8000.

CUONG T THAI  
Examiner  
Art Unit 2173

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February 7, 2003

  
RAYMOND J. BAYERL  
PRIMARY EXAMINER  
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